

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL GILLIN, ET AL.,

Plaintiffs,

v.

UNIVERSAL UNDERWRITERS  
INSURANCE COMPANY,

Defendant.

CIVIL ACTION

NO. 09-5855

ORDER

AND NOW this 1<sup>st</sup> day of March, 2011, upon consideration of Defendant, Universal Underwriters Insurance Company's Motion for Summary Judgment (Doc. 10); Plaintiffs, Michael Gillin and Ace & Sons, Inc.'s Response in Opposition thereto (Doc.18) and Defendant's Reply to Plaintiff's Response in Opposition (Docs. 19-20), **IT IS HEREBY ORDERED AND DECREED** that the Motion is **GRANTED**.

**IT IS FURTHER ORDERED** that

1. Count one of Plaintiffs' Complaint is **DISMISSED WITHOUT PREJUDICE**.
2. Count two of Plaintiffs' Complaint is **DISMISSED WITH PREJUDICE**.

**IT IS FURTHER ORDERED** that the Clerk of Court shall mark the above-captioned case as **CLOSED**.

BY THE COURT:

  
Hon. Petrese B. Tucker, U.S.D.J.

FILED

MAR - 4 2011

MICHAEL E. RUNZ, Clerk  
By:  Dep. Clerk